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Porter, Wright, Morris & Arthur LLP
Attn: Richard M. Mescher
41 South High Street
28th Floor
Columbus, OH 43215

EXAMINER	
EDELL, JOSEPH F	
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3636	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/564,567	THOMPSON, JAMES	
	Examiner	Art Unit	
	JOSEPH F. EDELL	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-52* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 January 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 5, 8, 9, 15, 18, 22, 49, and 50 are objected to because of the following informalities:

a. claim 5, line 3, “a respective” should read --the respective--;

b. claims 8, 9, 15, 18, 22, 49, and 50, “seat station" should read --station-- for consistency throughout the claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8, 9, 18, 22, 23, 25-27, 29, 34-36, and 50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 8, the phrase “the or each seat station” is unclear rendering the scope of the claim indefinite.

Regarding claim 9, the phrase “the or each seat station” is unclear rendering the scope of the claim indefinite.

Regarding claim 9, the phrase “the or each footwell” is unclear rendering the scope of the claim indefinite.

Regarding claim 18, the phrase "the or each seat station" is unclear rendering the scope of the claim indefinite.

Regarding claim 18, the phrase "the or each adjacent footwell" is unclear rendering the scope of the claim indefinite.

Regarding claim 22, the phrase "the or each seat station" is unclear rendering the scope of the claim indefinite.

Regarding claim 23, the phrase "the or each respective armrest" is unclear rendering the scope of the claim indefinite.

Regarding claim 29, the phrase "the or each adjacent seat" is unclear rendering the scope of the claim indefinite.

Regarding claim 29, the phrase "the or each armrest" is unclear rendering the scope of the claim indefinite.

Regarding claim 50, the phrase "the or each adjacent footwell" is unclear rendering the scope of the claim indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-34, 36, 37, and 46-52, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,059,364 to Dryburgh et al.

Dryburgh et al. disclose a seating arrangement that includes all the limitations recited in claims 1-34, 36, 37, and 46-52, as best understood. Dryburgh et al. show a seating arrangement of an aircraft providing a sleeping compartment and a plurality of seating positions (see Figs. 5 & 6), each seating position including a footwell 18, a sleeping surface projecting into the footwell, the footwell of a first sleeping compartment/seating position being located beside the sleeping surface of a second sleeping compartment, the second sleeping compartment/seating position being located generally forward of the first sleeping compartment, the first and second sleeping compartments overlap in a transverse direction, each seat is operable into a reclined state in which a leg-supporting compartment of the seat projects into the associated footwell.

Regarding claim 2, each seat of Dryburgh et al. is associated with one or more armrests (25 and opposed area of seat 17), a respective armrest of the first seating position and of the second seating position overlap in the transverse direction.

Regarding claim 3, Dryburgh et al.'s respective seats of the first and second seating positions overlap in the transverse direction.

Regarding claims 4, 10, and 14, each seat of Dryburgh et al. includes a back and a base wherein, when the seats are in the reclined state, the respective backs of the first and second seating positions overlap in the transverse direction, the second seating position overlaps with the footwell of the first seating position in the transverse direction, an arm-receiving region 25 of the second seating position overhangs part of the footwell of the first seating position.

Regarding claims 5 and 7, each seating position of Dryburgh et al. includes a respective region for receiving a passenger's arms when lying on the seat in its reclined state wherein the respective arm-receiving region of the first and second seating positions overlap in the transverse direction, and at least some of the arm-receiving regions become wider in the forward direction.

Regarding claim 6, the footwells of Dryburgh et al. are shaped to become narrower in the forward direction.

Regarding claims 8-10 and 15-18, Dryburgh et al.'s arrangement including a shell shaped to define a respective station for one or more of the seats and to define a respective footwell on one side of the station, the stations of the first and second seating positions overlap in the transverse direction, the shell is shaped so that each station become wider, and the footwell become correspondingly narrower in the transverse direction, the second seating position overlaps with the footwell of the first seating position in the transverse direction, the station for the second seating position overlaps or overhangs part of the footwell of the first seating position, the footwell of the first seating position becomes narrower in a direction generally away from a ground surface on which the arrangement rests during use, the footwell of the first seating position narrows at an inflected position located between the leg support component of the seat, when reclined, of first seating position and the back of the seat, when reclined, of the seat of the second seating position, the shell is shaped so that the seat become wider, and the adjacent footwell becomes correspondingly narrower in the direction generally away from the ground surface.

Regarding claims 10-12, Dryburgh et al.'s second seating position overlaps with the footwell of the first seating position in the transverse direction and overhangs part of the footwell of the first seating position, the respective seats of the first and second seating positions overlap in the transverse direction, and the seat of the second seating position overhangs part of the footwell of the first seating position.

Regarding claim 19, each seat of Dryburgh et al. includes a back, a seat base and the leg-supporting component, and when moving from an upright state to the reclined state, the back, seat base, and leg-supporting component each move in a generally forward direction.

Regarding claim 20-23, at least one of Dryburgh et al.'s seating positions includes an armrest including a shelf 27 overhanging the respective seating position in the transverse direction, and the shelf overhangs the respective seat, a shell shaped to define a respective station for one or more of the seats and to define a respective footwell on one side of the station, the stations of the first and second seating positions overlap in the transverse direction, the armrest are fixed with respect to the shell, and when the seat is in the reclined state, the respective armrest overhangs the back of the respective seat.

Regarding claim 24, each seat of Dryburgh et al., in the reclined state, provides a respective sleeping surface that is substantially horizontal with the ground surface on which the seating arrangement rests during use.

Regarding claims 8 and 25-27, a shell of Dryburgh et al. shaped to define a respective station for two or more seats in a row and to define a respective footwell on

one side of the station, the stations of the first and second seating positions overlap in the transverse direction, the shell has a portion for accommodating the back or the back rest of a seat, and the portion being fixed in the fore-and-aft direction.

Regarding claims 28-30, each footwell of Dryburgh et al. is partially enclosed to define a console adjacent one or more respective seats, each console is shaped to define a respective armrest adjacent the adjacent seat, the armrest overlapping with the footwell beneath the console, a table 27 including one or more table leaves is associated with each console, and the table being deployable from a stowed state in or on the console which it disposed generally parallel with the ground surface.

Regarding claims 31-33, a shell of Dryburgh et al. shaped to define a respective station for two or more seats in a row and to define a respective footwell on one side of the station, the stations of the first and second seating positions overlap in the transverse direction, the shell includes a respective buttress portion 25 extending between the adjacent seats or single seats, the buttress portion being shaped to define a respective footwell, each footwell is partially enclosed to define a console adjacent one seat, the buttress portion provides the console, a table 27 including one or more table leaves is associated with each console, the table being deployable from a stowed state in or on the console which it disposed generally parallel with the ground surface, and the buttress includes a stowage area for the table.

Regarding claims 8, 34, and 36, a shell of Dryburgh et al. shaped to define a respective station for two or more seats in a row and to define a respective footwell on one side of the station, the stations of the first and second seating positions overlap in

the transverse direction, the shell is shaped to define a respective generally upright web portion 26 extending between adjacent stations or a single station, and the upright web portion is shaped to provide a screen between passengers seated in adjacent seats.

Regarding claim 37, Dryburgh et al.'s footwwell of the first seating position extends beyond the base of the seat, when upright, of the second seating position in the forward direction.

Regarding claim 46, each footwell of Dryburgh et al. having a platform, wherein, when the associated seat is in the reclined state, the leg-supporting component of the seat closely approaches the platform within the footwell.

Regarding claims 47 and 48, each seating position of Dryburgh et al. provides a respective sleeping compartment with a footwell, a seat, and a sleeping surface projecting into the footwell wherein the sleeping compartments of the first and second seating positions overlap in the transverse direction, and the sleeping compartment of the second seating position overlaps the footwell of the sleeping compartment of the first sleeping compartment in the transverse direction.

Regarding claims 49 and 50, the seating component of Dryburgh et al. carrying one or seats and a respective footwell beside one seat and further adapted to construct a seating arrangement, and the seat overlaps with the adjacent footwell.

Claims 1-37 and 46-52, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,227,489 to Kitamoto et al.

Kitamoto et al. disclose a seating arrangement that includes all the limitations recited in claims 1-37 and 46-52, as best understood. Kitamoto et al. show a seating arrangement of an aircraft providing a sleeping compartment and a plurality of seating position, each seating position including a footwell 6 (see Fig. 3), a sleeping surface projecting into the footwell (Fig. 1), the footwell of a first sleeping compartment/seating position being located beside the sleeping surface of a second sleeping compartment, the second sleeping compartment/seating position being located generally forward of the first sleeping compartment, the first and second sleeping compartments overlap in a transverse direction, each seat is operable into a reclined state in which a leg-supporting compartment of the seat projects into the associated footwell.

Regarding claim 2, each seat of Kitamoto et al. is associated with one or more armrests 5,24, a respective armrest of the first seating position and of the second seating position overlap in the transverse direction.

Regarding claim 3, Kitamoto et al.'s respective seats of the first and second seating positions overlap in the transverse direction.

Regarding claims 4, 10, and 14, each seat of Kitamoto et al. includes a back and a base wherein, when the seats are in the reclined state, the respective backs of the first and second seating positions overlap in the transverse direction, the second seating position overlaps with the footwell of the first seating position in the transverse direction, an arm-receiving region of the second seating position overhangs part of the footwell of the first seating position.

Regarding claims 5 and 7, each seating position of Kitamoto et al. includes a respective region for receiving a passenger's arms when lying on the seat in its reclined state wherein the respective arm-receiving region 5 of the first and second seating positions overlap in the transverse direction, and at least some of the arm-receiving regions become wider in the forward direction.

Regarding claim 6, the footwells of Kitamoto et al. are shaped to become narrower in the forward direction.

Regarding claims 8-10 and 15-18, Kitamoto et al.'s arrangement including a shell shaped to define a respective station for one or more of the seats and to define a respective footwell on one side of the station, the stations of the first and second seating positions overlap in the transverse direction, the shell is shaped so that each station become wider, and the footwell become correspondingly narrower in the transverse direction, the second seating position overlaps with the footwell of the first seating position in the transverse direction, the station for the second seating position overlaps or overhangs part of the footwell of the first seating position, the footwell of the first seating position becomes narrower in a direction generally away from a ground surface on which the arrangement rests during use, the footwell of the first seating position narrows at an inflected position located between the leg support component of the seat, when reclined, of first seating position and the back of the seat, when reclined, of the seat of the second seating position, the shell is shaped so that the seat become wider, and the adjacent footwell becomes correspondingly narrower in the direction generally away from the ground surface.

Regarding claims 10-12, Kitamoto et al.'s second seating position overlaps with the footwell of the first seating position in the transverse direction and overhangs part of the footwell of the first seating position, the respective seats of the first and second seating positions overlap in the transverse direction, and the seat of the second seating position overhangs part of the footwell of the first seating position.

Regarding claim 19, each seat of Kitamoto et al. includes a back, a seat base and the leg-supporting component, and when moving from an upright state to the reclined state, the back, seat base, and leg-supporting component each move in a generally forward direction.

Regarding claim 20-23, at least one of Kitamoto et al.'s seating positions includes an armrest including a shelf 25 overhanging the respective seating position in the transverse direction, and the shelf overhangs the respective seat, a shell shaped to define a respective station for one or more of the seats and to define a respective footwell on one side of the station, the stations of the first and second seating positions overlap in the transverse direction, the armrest are fixed with respect to the shell, and when the seat is in the reclined state, the respective armrest overhangs the back of the respective seat.

Regarding claim 24, each seat of Kitamoto et al., in the reclined state, provides a respective sleeping surface that is substantially horizontal with the ground surface on which the seating arrangement rests during use.

Regarding claims 8 and 25-27, a shell of Kitamoto et al. shaped to define a respective station for two or more of the seats in a row and to define a respective

footwell on one side of the station, the stations of the first and second seating positions overlap in the transverse direction, the shell has a portion for accommodating the back or the back rest of a seat, and the portion being fixed in the fore-and-aft direction.

Regarding claims 28-30, each footwell of Kitamoto et al. is partially enclosed to define a console adjacent one or more respective seats, each console is shaped to define a respective armrest adjacent the adjacent seat, the armrest overlapping with the footwell beneath the console, a table 25 including one or more table leaves is associated with each console, and the table being deployable from a stowed state in or on the console which it disposed generally parallel with the ground surface.

Regarding claims 31-33, a shell of Kitamoto et al. shaped to define a respective station for two or more of the seats in a row and to define a respective footwell on one side of the station, the stations of the first and second seating positions overlap in the transverse direction, the shell includes a respective buttress portion 5 extending between the adjacent seats or single seats, the buttress portion being shaped to define a respective footwell, each footwell is partially enclosed to define a console adjacent one seat, the buttress portion provides the console, a table 25 including one or more table leaves is associated with each console, the table being deployable from a stowed state in or on the console which it disposed generally parallel with the ground surface, the buttress includes a stowage area for the table.

Regarding claims 8 and 34-36, a shell of Kitamoto et al. shaped to define a respective station for two or more of the seats in a row and to define a respective footwell on one side of the station, the stations of the first and second seating positions

overlap in the transverse direction, the shell is shaped to define a respective generally upright web portion extending between adjacent stations or a single station, the upright web portion includes a surface area disposed in a plane generally perpendicular to the forward direction, a monitor 153 is carried by the surface area, and the upright web portion is shaped to provide a screen between passengers seated in adjacent seats.

Regarding claim 37, Kitamoto et al.'s footwwell of the first seating position extends beyond the base of the seat, when upright, of the second seating position in the forward direction.

Regarding claim 46, each footwell of Kitamoto et al. having a platform, wherein, when the associated seat is in the reclined state, the leg-supporting component of the seat closely approaches the platform within the footwell.

Regarding claims 47 and 48, each seating position of Kitamoto et al. provides a respective sleeping compartment with a footwell, a seat, and a sleeping surface projecting into the footwell wherein the sleeping compartments of the first and second seating positions overlap in the transverse direction, and the sleeping compartment of the second seating position overlaps the footwell of the sleeping compartment of the first sleeping compartment in the transverse direction.

Regarding claims 49 and 50, the seating component of Kitamoto et al. carrying one or seats and a respective footwell beside one seat and further adapted to construct a seating arrangement, and the seat overlaps with the adjacent footwell.

Claims 1-4, 6, 8-13, 15-19, 24-27, 37-45, and 47-52, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by PCT Publication WO 03/053735 A1 to Thompson.

Thompson discloses a seating arrangement that includes all the limitations recited in claims 1-3, 6, 8-13, 15-19, 24-27, 37-45, and 47-52, as best understood. Thompson shows a seating arrangement of an aircraft providing a sleeping compartment and a plurality of seating position (see Fig. 3), each seating position including a footwell, a sleeping surface projecting into the footwell, the footwell of a first sleeping compartment/seating position being located beside the sleeping surface of a second sleeping compartment, the second sleeping compartment/seating position being located generally forward of the first sleeping compartment, the first and second sleeping compartments overlap in a transverse direction, each seat is operable into a reclined state in which a leg-supporting compartment of the seat projects into the associated footwell.

Regarding claim 2, each seat of Thompson is associated with one or more armrests, a respective armrest of the first seating position and of the second seating position overlap in the transverse direction.

Regarding claim 3, Thompson's respective seats of the first and second seating positions overlap in the transverse direction.

Regarding claims 4 and 10, each seat of Thompson includes a back and a base wherein, when the seats are in the reclined state, the respective backs of the first and

second seating positions overlap in the transverse direction, and the second seating position overlaps with the footwell of the first seating position in the transverse direction.

Regarding claim 6, the footwells of Thompson are shaped to become narrower in the forward direction

Regarding claims 8-10 and 15-18, Thompson's arrangement including a shell shaped to define a respective station for one or more of the seats and to define a respective footwell on one side of the station, the stations of the first and second seating positions overlap in the transverse direction, the shell is shaped so that each station become wider, and the footwell become correspondingly narrower in the transverse direction, the second seating position overlaps with the footwell of the first seating position in the transverse direction, the station for the second seating position overlaps or overhangs part of the footwell of the first seating position, the footwell of the first seating position becomes narrower in a direction generally away from a ground surface on which the arrangement rests during use, the footwell of the first seating position narrows at an inflected position located between the leg support component of the seat, when reclined, of first seating position and the back of the seat, when reclined, of the seat of the second seating position, the shell is shaped so that the seat become wider, and the adjacent footwell becomes correspondingly narrower in the direction generally away from the ground surface.

Regarding claims 10-12, Thompson's second seating position overlaps with the footwell of the first seating position in the transverse direction and overhangs part of the footwell of the first seating position, the respective seats of the first and second seating

positions overlap in the transverse direction, and the seat of the second seating position overhangs part of the footwell of the first seating position.

Regarding claim 19, each seat of Thompson includes a back, a seat base and the leg-supporting component, and when moving from an upright state to the reclined state, the back, seat base, and leg-supporting component each move in a generally forward direction.

Regarding claim 24, each seat of Thompson, in the reclined state, provides a respective sleeping surface that is substantially horizontal with the ground surface on which the seating arrangement rests during use.

Regarding claims 8 and 25-27, a shell of Thompson shaped to define a respective station for two or more of the seats in a row and to define a respective footwell on one side of the station, the stations of the first and second seating positions overlap in the transverse direction, the shell has a portion for accommodating the back or the back rest of a seat, and the portion being fixed in the fore-and-aft direction.

Regarding claim 37, Thompson's footwell of the first seating position extends beyond the base of the seat, when upright, of the second seating position in the forward direction.

Regarding claim 38, a plurality of Thompson's seating positions are arranged in rows and ranks, the rows being generally perpendicular to the ranks and being partitioned by one or more aisles, the aisles being generally parallel with the ranks,

Regarding claim 39, two aisles of Thompson with each row comprising a respective single seating position on the outer side of each aisle, alternate rows comprising two seating positions and then three seating positions between the aisles.

Regarding claim 40, two aisles of Thompson with each row comprising a respective single seating position on the outer side of each aisle, alternate rows comprising two seating positions and then one seating position between the aisles.

Regarding claim 41, two aisles of Thompson with each row comprising a respective single seating position on the outer side of each aisle, each row comprising two seating positions between the aisles.

Regarding claim 42, two aisles of Thompson with each row comprising a respective single seating position on the outer side of each aisle, each row comprising three seating positions between the aisles.

Regarding claim 43, one aisle of Thompson with each row comprising a respective two seating positions on either side of the aisle.

Regarding claim 44, one aisle of Thompson with alternate rows comprising one seating position and then two seating positions on either side of the aisle.

Regarding claim 45, three aisles of Thompson with each row with a respective single seating position on both sides of each aisle.

Regarding claims 47 and 48, each seating position of Thompson provides a respective sleeping compartment with a footwell, a seat, and a sleeping surface projecting into the footwell wherein the sleeping compartments of the first and second seating positions overlap in the transverse direction, and the sleeping compartment of

the second seating position overlaps the footwell of the sleeping compartment of the first sleeping compartment in the transverse direction.

Regarding claims 49 and 50, the seating component of Thompson carrying one or seats and a respective footwell beside one seat and further adapted to construct a seating arrangement, and the seat overlaps with the adjacent footwell.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to seating arrangements:

U.S. Pat. No. 5,992,798 to Ferry

GB Pat. No. 907472 to Kryter

PCT Publ. WO 0021831 to Round et al.

U.S. Pat. No. 7,025,306 to Saint James

U.S. Pat. No. 7,252,332 to Thompson

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Joseph F Edell/
Primary Examiner, Art Unit 3636
December 19, 2008